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10/777,867

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EXAMINER

STACE, BRENT S

ART UNIT

PAPER NUMBER

2161

MAIL DATE

DELIVERY MODE

09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/777,867

Applicant(s)

SPERLING ET AL.

Examiner

Brent S. Stace

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-20,27-29 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-20,27-29 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This communication is responsive to the amendment filed June 28th, 2007. Claims 8-20, 27-29, and 34 are pending. In the amendment filed June 28th, 2007, Claims 1, 6, 7, 12, 13, 18, 19, 25-27, 29, 30, 32, 33, and 36 are amended, Claims 28, 31, 34, and 35 are canceled, and Claims 1, 7, 13, and 19 are independent. The examiner acknowledges that no new matter was introduced and the amended and new claims are supported by the specification. This action is made FINAL.

Response to Arguments

2. Applicant's arguments filed June 28th, 2007 with respect to Claims 8-20, 27-29, and 34 have been considered but are moot in view of the new ground(s) of rejection.
3. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 34) for the prior art(s) allegedly not teaching "a unique graphical representation of a record from each of the plurality of databases is presented on the user interface," the examiner respectfully submits that this argument is moot in view of the new ground(s) of rejection.
4. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 34) for the prior art(s) allegedly not teaching "The unique graphical representation of the record is interactively manipulatable on the user interface," the

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examiner respectfully submits that this argument is moot in view of the new ground(s) of rejection.

5. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 34) for the prior art(s) allegedly not teaching "a database operation is performable on a record in the database in response to an interactive manipulation of the unique graphical representation of the record on the user interface," the examiner respectfully submits that this argument is moot in view of the new ground(s) of rejection.

6. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 34) for the prior art(s) allegedly not teaching "a database record is graphically represented on a user interface and an operation on the database record is performable in response to an interactive manipulation of the representation on the user interface," the examiner respectfully submits that this argument is moot in view of the new ground(s) of rejection.

7. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 34) for the prior art(s) allegedly not teaching "unique graphical representation of a record from each of a plurality of databases being presented on a user interface and an operation being performed on the record in response to an interactive manipulation of the graphical representation on the user interface," the examiner respectfully submits that this argument is moot in view of the new ground(s) of rejection.

8. As to the applicant's arguments with respect to exemplarily Claim 8 (including Claims 27 and 34) for the prior art(s) allegedly not teaching "performing any operations

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on database records in response to manipulation of the unique graphical representation of the record that is presented on the user interface," the examiner respectfully submits that this argument is moot in view of the new ground(s) of rejection.

9. As to the applicant's arguments with respect to Claim 8 for allegedly being "not directed to "software per se," the examiner respectfully disagrees. There does not appear to be any hardware claimed. As such, the claimed system can be software. Software alone is non-statutory subject matter since it is merely an abstract idea.

10. As to the applicant's arguments with respect to Claim 18 for the claim allegedly "not merely claiming "a form of energy"," the examiner respectfully disagrees. A wireless transmission is a form of energy and is considered non-statutory subject matter. This is similar to an Applicant attempting to claim sunlight.

11. The other claims argued merely because of a dependency on a previously argued claim(s) in the arguments presented to the examiner, filed June 28th, 2007, are moot in view of the examiner's interpretation of the claims and art and are still considered rejected based on their respective rejections from at least a prior Office action (part(s) of recited again below).

Response to Amendment

Drawings

12. In light of the applicant's respective arguments or respective amendments, the previous drawing objections to the drawings have been withdrawn.

Claim Objections

13. Claim 27 is objected to because of the following informality:
- a. Claim 27 recites merely an intended use of the executable instructions.
- Mere intended use in the preamble carries little patentable weight.
- Appropriate correction is required.

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 8-20 are directed to a system for reconciling data in a plurality of databases. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. Having a database operation being performed on a record would be favorably considered as opposed to having a database operation being merely performable on a record. More specifically, the claimed subject matter provides for a system that has no hardware for the system to be

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realized. As such, the system appears to be directed at software per se which is functional descriptive material per se that is non-statutory subject matter.

This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

16. Additionally, Claim 18 includes a wireless link as a communication link. Wireless communication is merely a form of energy that is non-statutory and not patentable subject matter.

Claim Rejections - 35 USC § 112

17. In light of the applicant's respective arguments or respective amendments, the previous 35 USC § 112 rejections to the claims have been withdrawn.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

19. Claims 8, 10-14, 16-19, 27-29 and 34 are rejected under 35 U.S.C. 102(a) as being anticipated by "Mac OS X: The Missing Manual, Panther Edition" (Pogue).

Claim 8 can be mapped to Pogue as follows: "A system for reconciling data in a plurality of databases, [Pogue, p. 8, 20.3.6.1] comprising:

- a user interface; [Pogue, p. 2, Fig. 20-10] and
- a plurality of database coupled to the user interface; [Pogue, p. 2, Fig. 20-10 "Calendars"]
- wherein a unique graphical representation of a record from each of the plurality of databases is presented on the user interface, [Pogue, p. 2, Fig. 20-10] wherein the unique graphical representation of the record from each of the plurality of databases is interactively manipulatable on the user interface, [Pogue, p. 2-3, 20.3.2.1] and wherein a database operation is performable on a record in the database in response to an interactive manipulation of the unique graphical representation of the record on the user interface" [Pogue, p. 2-3, 20.3.2.1].

Claim 10 can be mapped to Pogue as follows: "The system of claim 8 further comprising a communications link to each of the plurality of databases and wherein the user interface is adapted to retrieve a record from each of the plurality of databases through its corresponding communications link" [Pogue, p. 8-10, 20.3.6].

Claim 11 can be mapped to Pogue as follows: "The system of claim 8 wherein the interactive manipulation includes copying a record from a first database to a second database" [Pogue, p. 8, 20.3.6].

Claim 12 can be mapped to Pogue as follows: "The system of claim 8 wherein the interactive manipulation further includes deleting a record from at least one database" [Pogue, p. 6-7 20.3.3.5].

Claim 13 can be mapped to Pogue as follows: "The system of claim 8 further comprising a temporary database table identifying a record found in more than one of

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the plurality of databases" [Pogue, p. 3, Fig. 20-11 with Pogue, p. 5, 20.3.2.2 bullet for "calendar"].

Claim 14 can be mapped to Pogue as follows: "The system of claim 8 wherein at least one of the plurality of databases is stored on a portable device" [Pogue, p. 7, tip above 20.3.4].

Claim 16 can be mapped to Pogue as follows: "The system of claim 8 wherein at least one of the plurality of databases is stored on a personal computer" [Pogue, p. 7, tip above 20.3.4].

Claim 17 can be mapped to Pogue as follows: "The system of claim 10 wherein at least one communications link includes an API" [Pogue, p. 8-9, 20.3.6 with Fig. 20-14].

Claim 18 can be mapped to Pogue as follows: "The system of claim 10 wherein at least one communications link includes a wireless link" [Pogue, p. 1, Chapter 18, 2nd paragraph with Pogue, p. 10, Fig. 20-15].

Claim 19 can be mapped to Pogue as follows: "The system of claim 10 wherein at least one communications link includes the Internet" [Pogue, p. 9-10, 20.3.6.2].

Claim 27 can be mapped to Pogue as follows: "A computer program embodied on a computer-readable medium for managing a plurality of calendar databases, [Pogue, p. 2, Fig. 20-10] comprising:

- an interface to each of the plurality of databases adapted to obtain a subset of records from each of the plurality of databases, the subset of records spanning a date range; [Pogue, p. 2, Fig. 20-10] and

- a user interface adapted to display a graphical representation of the obtained records, allow for interactive manipulation of the displayed graphical representation, and perform at least one database operation on at least one of the plurality of databases in response to the interactive manipulation" [Pogue, p. 2-3, 20.3.2.1]

Claim 28 can be mapped to Pogue as follows: "The computer program embodied on a computer-readable medium of claim 27 wherein the user interface is adapted for synchronizing the plurality of calendar databases" [Pogue, p. 8-10, 20.3.6].

Claim 29 can be mapped to Pogue as follows: "The computer program embodied on a computer-readable medium of claim 28 wherein the databases are reconciled without using an intermediate file" [Pogue, p. 8-10, 20.3.6].

Claim 34 can be mapped to Pogue as follows: "A method for reconciling data in a plurality of databases, comprising the steps of:

- displaying a unique graphical representation of a record from each of a plurality of database on a user interface; [Pogue, p. 2, Fig. 20-10]
- interactively manipulating the unique graphical representation of at least one of the records from the plurality of databases on the user interface; [Pogue, p. 2-3, 20.3.2.1] and
- performing a database operation on the record in the database in response to the interactive manipulation of the unique graphical representation of the record on the user interface" [Pogue, p. 2-3, 20.3.2.1].

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Mac OS X: The Missing Manual, Panther Edition" (Pogue) in view of U.S. Patent Application Publication No. 2004/0133544 (Kiessig et al.).

For **Claim 9**, Pogue teaches: "The system of claim 8 wherein the graphical representation includes a visually distinctive graphical scheme for each of the plurality of databases, [Pogue, p. 7, 20.3.5] and a visually distinctive graphical scheme for each unique combination of the plurality of databases; [Pogue, p. 3, Fig. 20-11 the overlapping events]

- wherein a record found in a single database is displayed using the single database's corresponding graphical scheme; and" [Pogue, p. 7, 20.3.5].

Pogue discloses the above limitation but does not expressly teach:

- "...wherein a matching pair of records found in more than one database is displayed as a single record using the graphical scheme corresponding to the combination of databases."
- With respect to Claim 9, an analogous art, Kiessig, teaches:
- "...wherein a matching pair of records found in more than one database is displayed as a single record using the graphical scheme corresponding to the combination of databases" [Kiessig paragraphs [0066] and [0070]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Kiessig and Pogue before him/her to combine Kiessig with Pogue because both inventions are directed towards synchronizing data.

Kiessig's invention would have been expected to successfully work well with Pogue's invention because both inventions use a database to aid or a database for providing data for synchronization. Pogue discloses a computer-calendaring program comprising a user interface for synchronizing databases. However, Pogue does not expressly disclose all of the elements of the limitations above. Kiessig discloses a system and method for managing content with event driven actions to facilitate workflow and other features comprising more user interface aspects.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Kiessig and Pogue before him/her to take the user

interface aspects from Kiessig and install them into the invention of Pogue, thereby offering the obvious advantage of the user easily being able to determine the differences/changes in the records between the databases and determine what course of action to take to resolve a conflict and reconcile the databases.

23. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Mac OS X: The Missing Manual, Panther Edition" (Pogue) in view of U.S. Patent No. 5,666,553 (Crozier).

For **Claim 15**, Pogue teaches: "The system of claim 8."

Pogue discloses the above limitation but does not expressly teach:

- "...wherein at least two of the databases have different record structures."

With respect to Claim 15, an analogous art, Crozier, teaches:

- "...wherein at least two of the databases have different record structures"

[Crozier, col. 5, lines 1-18].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Crozier and Pogue before him/her to combine Crozier with Pogue because both inventions are directed towards synchronizing data.

Crozier's invention would have been expected to successfully work well with Pogue's invention because both inventions use databases to aid or databases for providing data for synchronization. Pogue discloses a computer-calendaring program comprising a user interface for synchronizing databases. However, Pogue does not expressly disclose that the databases have different record structures. Crozier

discloses a method for mapping, translating, and dynamically reconciling data between disparate computer platforms comprising databases having different record structures.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Crozier and Pogue before him/her to take the databases having different record structures from Crozier and install it into the invention of Pogue, thereby offering the obvious advantage of still being able to synchronize data even if the structure of the data is different making reconciling/synchronizing more easier (for instance different versions of the program).

24. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Mac OS X: The Missing Manual, Panther Edition" (Pogue) in view of U.S. Patent No. 6,405,218 (Boothby).

For **Claim 20**, Pogue teaches: "The system of claim 10 wherein at least one communications link includes...and device specific APIs" [Pogue, p. 7, tip above 20.3.4].

Pogue discloses the above limitations but does not expressly teach: "a serial connection."

With respect to Claim 20, an analogous art, Boothby, teaches: "a serial connection" [Boothby, col. 5, lines 35-40].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Boothby and Pogue before him/her to combine Boothby with Pogue because both inventions are directed towards synchronizing data.

Boothby's invention would have been expected to successfully work well with Pogue's invention because both inventions use databases to aid or databases for providing data for synchronization. Pogue discloses a computer calendaring program comprising a user interface for synchronizing databases over data transfer links/communication links. However, Pogue does not expressly disclose that the communication links can be serial connections. Boothby discloses synchronizing databases comprising data transfer links that may be a serial infrared link or serial cable.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Boothby and Pogue before him/her to take the serial connections from Boothby and install it into the invention of Pogue, thereby offering the obvious advantage of having multiple ways to synchronize data that is appropriate for the device connecting for synchronization.

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Conclusion

26. Any prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on any PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu M. Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent Stace *B.S.*


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SUPERVISORY PATENT EXAMINER